

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(ALEXANDRIA DIVISION)

ROBERTO CLAROS et al.,

*Plaintiffs,*

v.

SWEET HOME IMPROVEMENTS, INC.,  
et al.,

*Defendants*

Case No: 1:16-CV-344-AJT-MSN

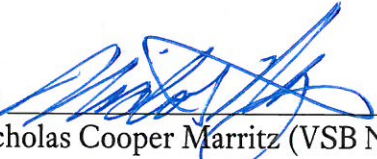
**Declaration of Nicholas Marritz, Esq.**

1. My name is Nicholas Cooper Marritz (VSB No. 89795). I am over 18 years of age and competent to make this declaration.
2. I am a staff attorney with the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC). I am a 2011 graduate of the University of Washington School of Law. I have been admitted to practice law in California since June 2012 and in Virginia since December 2015. I was admitted to practice before this Court in January 2016.
3. As a staff attorney with LAJC, a large part of my docket consists of plaintiff-side litigation under the Fair Labor Standards Act, in both state and federal court.
4. I am fluent in both English and Spanish and communicate with Plaintiffs exclusively in Spanish.
5. Prior to joining LAJC, I served as a staff attorney with Farmworker Justice in Washington, D.C., representing low-wage immigrant farmworkers in federal courts across the country, including in the following cases involving the Fair Labor Standards Act:

- *Villalobos v. Calandri Sunrise Farms LP*, 2:12-cv-2615 (C.D. Cal.)
  - *Smith v. Bulls-Hit Ranch & Farm*, 3:12-cv-449 (M.D. Fla.)
  - *Jimenez v. GLK Foods, LLC*, 1:12-cv-209 (E.D. Wis.) and *Ramirez v. GLK Foods, LLC*, 1:12-cv-210 (E.D. Wis.)
  - *Ruiz v. Fernandez*, 2:11-cv-3088 (E.D. Wash.) (not counsel of record)
6. I am currently counsel of record in one other FLSA case pending before this Court: *Espinoza Dubon v. Reliable Assets, Inc.*, No. 1:16-cv-1172-AJT-MSN.
  7. I am seeking a rate of \$320 per hour, which is the rate that Magistrate Judge Nachmanoff has previously approved for me in this case. *See* ECF No. 28-8, Declaration of Nicholas Marritz at ¶¶8 and 10 (seeking sanctions at a \$320 hourly rate); ECF No. 33 (granting sanctions as requested).
  8. I have also served as counsel in two previous FLSA cases before this Court; both Judge Ellis and Judge Brinkema approved a \$320 hourly rate for my work. *See Avila Flores v. Rababeh*, No. 1:15-cv-1415-TSE-TCB (ECF Nos. 30–31), and *Rivas v. Saldivar & Assoc's, Inc.*, No. 1:16-cv-343-LMB-JFA (ECF No. 33).
  9. Using our case-management software, JusticeServer, I reviewed all my time entries in this case, other those for which fees have already been awarded as sanctions or in settlement. In the exercise of billing discretion, I then eliminated various time entries, including all time entries related to planning case strategy and supervision with my co-counsel Simon Sandoval-Moshenberg, and all time spent by law student interns. I have also eliminated or reduced various other time entries in this case. Additionally, Mr. Sandoval-Moshenberg is not billing for any of his time spent on this case, in the exercise of billing discretion.
  10. After making a good-faith evaluation of all recorded hours of I work performed in relation to the discovery disputes in this case, the chart accompanying this declaration lists only those time entries that I believe to have been fair and reasonably necessary.
  11. Accordingly, I am seeking a fee award of 39 hours in this case.  $(39 \text{ hours}) \times (\$320/\text{hour}) = \$12,480$  in fees.

12. Plaintiffs have incurred compensable costs in the amount of **\$2,083.20**, as shown by the chart accompanying this declaration.
13. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By:   
Nicholas Cooper Marritz (VSB No. 89795)  
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*Counsel for Plaintiff*

Date: October 25, 2016

*Attorney's Fees and Compensable Costs**Claros et al. v. Sweet Home Improvements, Inc. (E.D. Va.)***Attorney's Fees  
(Adjusted for Billing Discretion)**

Date	Activity	Time
12/8/2015	Intake interview of Roberto Claros*	2
2/1/2016	Intake interview of Hector Andrade*	1.5
4/8/2016	Initial interview of José Claros*	1.1
4/9/2016	Drafting amended complaint*	0.3
4/11/2016	Drafting amended complaint*	0.3
4/27/2016	Drafting amended complaint*	1.4
8/4/2016	Preparing for deposition	1
8/10/2016	Preparing for deposition	2
8/15/2016	Preparing for deposition	1
8/16/2016	30(b)(6) deposition of Myung Koo	6

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\* The Court has already entered judgment on behalf of Plaintiffs Osbaldo Lopez, Fredy Zamorano, and Mario Herrera Macurán, based on a settlement agreement that included an award of attorney's fees for the intake interviews of those three Plaintiffs, as well as the drafting of the initial complaint. However, that settlement did *not* include fees for the intake interviews of the *non-settling* Plaintiffs, nor for the drafting of the *amended* complaint. See ECF No. 38-3 at 2 n.1 (Marritz Decl. in support of motion for approval of partial settlement agreement), and ECF No. 62 (judgment).

9/8/2016	Email to opposing counsel, advising him that Defendants' sanctions payment is overdue	0.1
9/16/2016	Drafting Motion for Summary Judgment	1.5
9/19/2016	Drafting Motion for Summary Judgment	1.4
9/19/2016	Sending Notice of Delinquency to opposing counsel re settlement agreement	0.1
9/20/2016	Drafting Motion for Summary Judgment	1.4
9/21/2016	Drafting Motion for Summary Judgment	1.3
9/23/2016	Drafting Motion for Summary Judgment	2.2
9/23/2016	Prepare declaration of R. Claros	1
9/23/2016	Prepare declaration of J. Claros	1
9/23/2016	Prepare declaration of H. Andrade	1
9/25/2016	Drafting Motion for Summary Judgment	2.6
9/26/2016	Drafting Motion for Summary Judgment	3.6
9/28/2016	Email to opposing counsel notifying him of defendants' default on the parties' settlement agreement.	0.1
9/28/2016	Email to opposing counsel demanding payment of previously-ordered sanctions	0.1
9/29/2016	Drafting motion for enforcement of settlement and sanctions	1.4
9/30/2016	Drafting motion for enforcement of settlement and sanctions	0.5
10/3/2016	Drafting motion for enforcement of settlement and sanctions	1.1

10/13/2016	Preparing for summary judgment hearing	0.5
10/14/2016	Hearing: Motions for summary judgment, enforcement of settlement agreement, and enforcement of sanctions	0.5
10/24/2016	Preparing attorney's fee affidavit	0.5
10/25/2016	Drafting motion for attorney's fees and costs	0.5
<p style="text-align: center;"><b>TOTAL ATTORNEY'S FEES</b>  (39 hours) × (\$320 per hour) = <b>\$12,480</b></p>		

### Compensable Costs

Date	Expense	Amount
3/29/2016	Filing Fee and Service of Process (Non-Settling Plaintiffs)*	\$216.00
8/16/2016	Korean interpreter for 30(b)(6) deposition	\$585.00
8/16/2016	Court reporter for 30(b)(6) deposition	\$1,282.20
<p style="text-align: center;"><b>TOTAL COSTS: \$2,083.20</b></p>		

\* The Court has already entered judgment on behalf of Plaintiffs Osbaldo Lopez, Fredy Zamorano, and Mario Herrera Macurán, pursuant to a settlement agreement that included these Plaintiffs' share of the filing fee and service of process. *See* ECF No. 38–3 at 2 n.1 (Marritz Decl.) and ECF No. 62 (judgment).